

DECLARATION AND POWER OF ATTORNEY - PATENT APPLICATION

As a below named inventor, I hereby declare that my citizenship, postal address and residence are as stated below; that I verily believe I am the original, first and sole inventor (if only one inventor is named below) or a joint inventor (if plural inventors are named below) of the invention entitled:

WRIST-BASED FITNESS MONITORING DEVICES

the specification of which

 X is attached hereto, or
 _____ was filed on _____ as Application Serial No. _____ and
 _____ was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to be material to patentability as defined in 37 CFR §1.56. I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) _____ Priority Claimed _____

_____ (Number)	_____ (Country)	_____ (Day/Month/Year)	_____
_____ (Number)	_____ (Country)	_____ (Day/Month/Year)	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known to be material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)
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I hereby appoint as principal attorneys Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

Evenson, McKeown, Edwards & Lenahan, P.L.L.C.

1200 G Street, N.W., Suite 700

Washington, D.C. 20005

Telephone: (202) 628-8800

Facsimile: (202) 628-8844

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DECLARATION AND POWER OF ATTORNEY

Attorney Docket No. 089/44732

Page 2

INVENTOR:

Citizenship:

Post Office Address/

Residence:

Philip Lim-Kong WONG

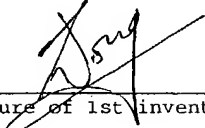
United Kingdom

33 Skeffington Close
Geddington, Kettering

Northants NN14 1BA

England

17/March/2001
(date)


(signature of 1st inventor)

INVENTOR:

Citizenship:

Post Office Address/

Residence:

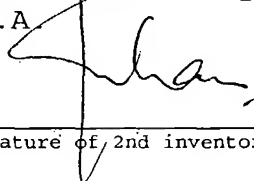
Ka Yiu SHAM

United Kingdom

1209 Trotting Horse Lane
Great Falls, Virginia 22066

U.S.A.

3/26/2001
(date)


(signature of 2nd inventor)

ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto:

ACUMEN, INC.
101 A Executive Drive
Suite 200
Sterling, Virginia 20166

(hereinafter ASSIGNEE) all right, title and interest for the United States, its territories and possessions in and to his invention relating to:

WRIST-BASED FITNESS MONITORING DEVICES

as set forth in his United States Patent Application (check one):

☒ executed concurrently herewith,
☐ executed on _____,
☐ Serial No. _____, filed _____,

in and to said United States Patent Application including any and all divisions or continuations thereof and in and to any and all Letters Patent of the United States which may issue on any such application or for said invention, including any and all reissues or extensions thereof, to be held and enjoyed by said ASSIGNEE, its successors, legal representatives and assigns to the full end of the term or terms for which any and all such Letters patent may be granted as fully and entirely as would have been held and enjoyed by the undersigned had this Assignment not been made;

Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters patent to said ASSIGNEE, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he has the full and unencumbered right to sell and assign the interests herein sold and assigned and that he has not executed and will not execute any document or instrument in conflict herewith;

Each of the undersigned further covenants and agrees he will communicate to said ASSIGNEE, its successors, legal representatives or assigns all information known to him relating to said invention or patent application and that he will execute and deliver any papers, make all rightful oaths, testify in any legal proceedings and perform all other lawful acts deemed necessary or desirable by said ASSIGNEE, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations thereof and to any and all Letters Patent which may be granted therefor or thereon, including reissues or extensions, in said ASSIGNEE, its successors, or assigns or to assist said ASSIGNEE, its successors, legal representatives or assigns in obtaining, reissuing or enforcing Letters Patent of the United States for said invention;

Each of the undersigned hereby grants the firm of **EVENSON, McKEOWN, EDWARDS & LENAHAAN, P.L.L.C.**, or any partner thereof, the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and trademark Office for recordation of this Assignment.

INVENTOR:

Citizenship:

Post Office Address/

Residence:

Philip Lim-Kong WONG
United Kingdom
33 Skeffington Close
Geddington, Kettering
Northants NN14 1BA
England

17/March/2001
(date)


(signature of 1st inventor)

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Docket No: 089/44732

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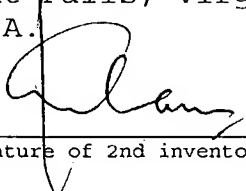
United Kingdom

1209 Trotting Horse Lane

Great Falls, Virginia 22066

U.S.A.

2/26/2001
(date)


(signature of 2nd inventor)

Note: Prima facie evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.